

REMARKS

In response to an Office Action mailed March 8, 2006 and in order to advance prosecution of this case, Applicant submits the following remarks. Applicant respectfully requests reconsideration and favorable action in this case in light of these remarks.

Claims Not Addressed

Applicant respectfully notes that, in the Office Action Summary, the Examiner fails to indicate that Claims 22-26 are currently pending. Applicant respectfully requests that the Examiner note their pendency in all future correspondence. Additionally, because the Examiner fails to identify any basis for rejecting Claims 22 and 24-26, Applicant is of the belief that these claims are allowable in their current form. If this belief is incorrect, Applicant respectfully requests notice of such.

35 U.S.C. § 112 Rejections

The Examiner rejects Claims 1, 7, 14, and 21 under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description requirement. In particular, the Examiner asserts that the claim limitation “wherein the communication link forms a complete path that couples at least the client to at least the particular interface card” allegedly was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. *Office Action*, p. 2. Applicant respectfully traverses this rejection, as all limitations of Claims 1, 7, 14, and 21 were fully described in the Application as originally filed. While Applicant does not intend to limit the scope of the claimed subject matter to any single embodiment disclosed by the Application, Applicant notes that the Application as originally filed indicates, in part, that “[a] communication link 22 comprises any switched communication path that couple client 18 to an interface card 14....” *Specification*, p. 6, ll. 26-28. Thus, for at least this reason, the Application as originally filed describes the relevant limitation of Claim 1. Claim 1 is thus allowable for at least this reason. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although Claims 7, 14, and 21 are of differing scope from Claim 1, the subject matter recited by Claims 7, 14, and 21 includes limitations that, for at least reasons substantially

similar to those discussed with respect to Claim 1, are also described in the Application as originally filed. Claims 7, 14, and 21 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 7, 14, and 21, and their respective dependents.

35 U.S.C. § 102 Rejections

The Examiner rejects Claims 1, 4-7, 10-14, 16, and 18-21 as being unpatentable under 35 U.S.C. §102(e) over U.S. Patent No. 4,937,777 issued to Flood et al (“*Flood*”). As amended, Claim 1 recites:

A system for communicating management information, comprising:
a first interface card;
a second interface card; and
a management card coupled to the first interface card and the second interface card, the management card operable to:
receive a command from a client, the command identifying an interface card or a network device associated with an interface card;
establish a communication link between the client and a particular one of the first interface card and the second interface card selected in response to the command communicated by the client, wherein the communication link forms a complete path that couples at least the client to at least the particular interface card; and
communicate management information using the communication link.

Flood does not recite, either explicitly or inherently, every element of Claim 1. In rejecting Claim 1, the Examiner fails to address at least one limitation of Claim 1. Specifically, the Examiner fails to explain how *Flood* discloses “establishing a communication link...wherein the communication link forms a complete path that couples at least the client to at least the particular interface card.” As Applicant previously noted, *Flood* explicitly precludes this possibility. Specifically, *Flood* describes a system in which information transmitted by terminal 24 over communication buses 31-33 is stored in RAM 38, and execution processors 18 may subsequently access RAM 38 to retrieve particular portions of the information stored in RAM 38. However, to whatever extent execution processors 18 directly access RAM 38 over communication buses 31-33, execution processors 18 do not communicate over communication buses 31-33 concurrently with terminal 24, and only one device may be coupled to RAM 38 over buses 31-33 at a time. Column 7, ll. 36-46. Thus, despite the fact that certain information transmitted from terminal

24 to RAM 38 may later be accessed by execution processors 18, no “communication link” that forms a path between terminal 24 and execution processors 18 is ever established,

Thus, *Flood* fails to recite, either expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 7, 14, and 21 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by *Flood*. Claims 7, 14, and 21 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 7, 14, and 21, and their respective dependents.

35 U.S.C. § 103 Rejections

The Examiner rejects Claims 2-3, 8-9, 15, 17, and 23 as being unpatentable over *Flood* in view of U.S. Patent No. 6,304,895 issued to Schneider et al. (“*Schneider*”). Claims 2 and 3 depend from Claim 1. Claims 8 and 9 depend from Claim 7. Claims 15 and 17 depend from Claim 14. Claims 1, 7, and 14 have all been shown above to be allowable. Claims 2-3, 8-9, 15, and 17 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 2-3, 8-9, 15, and 17.

Additionally, several dependents of Claim 1 include additional elements that are not disclosed by *Flood* or *Schneider*, alone or in combination. For example, Claim 3 depends from Claim 2, another dependent of Claim 1. Claim 2 recites:

The system of Claim 1, wherein the management card comprises:
a switch operable to establish the communication link between the client and one of a first port and a second port of the management card;
a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and
a processor coupled to the memory and the switch, the processor operable to:
receive the command;
determine the port associated with the particular interface card using the mapping information; and
command the switch to establish the communication link between the client and the determined port.

Meanwhile Claim 3 recites:

The system of Claim 2, wherein:
the first interface card is coupled to a first network device that uses a first operating system;
the second interface card is coupled to a second network device that uses a second operating system; and
the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card.

The proposed *Flood-Schneider* combination fails to disclose every element of Claim 3. For example, the proposed *Flood-Schneider* combination fails to disclose “[a] first interface card [that] is coupled to a first network device that uses a first operating system” and “[a] second interface card [that] is coupled to a second network device that uses a second operating system.” In addressing this element the Examiner asserts an identical argument to that presented in the Examiner’s Answer that the Examiner filed with the Board of Patent

Appeals and Interferences (“the Board”) on April 30, 2004. *See Examiner’s Answer*, p. 9 and *Office Action*, p. 7. The Board rejected this argument on appeal. In particular, the Board stated in its Decision on Appeal, issued May 24, 2005 (the “Board’s Decision”):

The [Flood-Schneider combination] makes no mention of first and second operating systems and of configuring management information for the operating system. The examiner’s “finding” of different operating systems in Flood is nothing more than speculation and has no support in the reference....The prior art applied in the examiner’s rejection simply does not provide the support needed to reject claims 3, 9 and 17.”

Board’s Decision, pp. 12-13.

Thus, as the Board notes, the proposed *Flood-Schneider* fails to disclose a “first operating system” and “a second operating system” and, thus, fails to disclose “[a] first interface card [that] is coupled to a first network device that uses a first operating system” and “[a] second interface card [that] is coupled to a second network device that uses a second operating system” as recited by Claim 3.

As a result, as the Board also notes, the proposed *Flood-Schneider* combination can not properly be used to reject Claim 3. *Board’s Decision*, p. 13. Claim 3 is thus allowable for at least these additional reasons. Applicant respectfully requests reconsideration and allowance of Claim 3.

Although of differing scope from Claim 3, Claims 9 and 17 include elements that, for reasons substantially similar to those discussed with respect to Claim 3, are not disclosed by the proposed *Flood-Schneider* combination. Claims 9 and 17 are thus allowable for at these additional reasons. Applicant respectfully requests reconsideration and allowance of Claims 9 and 17.

As noted above, the Examiner fails to identify any basis for rejecting Claim 22. Claim 22 is thus allowable in its current form. Claim 23 depends from Claim 22. Claim 23 is thus allowable for at least this reason. Applicant respectfully requests reconsideration and allowance of Claim 23.

Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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